

DIVERSITY AND THE BAR

A PUBLICATION OF THE OFFICE OF LEGAL SERVICES, ACCESS AND FAIRNESS PROGRAMS



BY ANTHONY CAPOZZI

Diversity and The State Bar of California:

A View from the Top

On August 23, 2002, the Board of Governors adopted a Strategic Plan that brought the Bar in line with the changing membership and the evolving demographics of California. As a result of these changes, the Board of Governors proposed goals and strate-

gies that the Bar would strive to achieve in order to continue as a strong and responsive voice in shaping our State. Significantly, the very first goal set forth in the Strategic Plan recognized the importance of diversity in our profession. Specifically, The State Bar encourages individuals from diverse backgrounds to seek and qualify for admission to the practice of law in California and, once admitted, to remain in active practice.

We have come a long way in our profession in light of the fact that women and people of color were once prohibited from admission to the State Bar until 1878. In that year, the State Legislature lifted the prohibition against women and struck the words "white male" from all sections of the Code of Civil Procedure that prohibited persons of color from qualifying for the bar examination.

In 1927, the private club known as the California Bar Association was moved by the legislature to the jurisdiction of the California Supreme Court. A coalition of black and Jewish lawyers, who were barred from membership in the Los Angeles County Bar Association and in the California Bar, had lobbied for the change. We may have had a storied past, but today, we at The State Bar of California, are committed to diversity as set forth in the Board Of Governors' Strategic Plan. The plan, in concise and plain language, says what it means and means what it says. America's great strength is found in the diversity of its people. Each of our cultures is brought together into a wonderful mosaic where they are combined to become a work of art, a harmony of many voices. But without meaningful access to the courts and faith in the fairness of the judicial system, how far have we really come?

To move the Bar towards its goal of diversity, the Board of Governors created the Center for Access & Fairness in 2001. The Center works toward achieving diversity and eliminating bias in the legal profession. It also provides support and coordination for the Access & Fairness Committees - Legal Professionals with Disabilities, Sexual Orientation and Gender Identity Discrimination, Ethnic Minority Relations, Senior Lawyers, and Women in the Law.

These hard-working committees are proactive and constantly striving to improve the position of the "under-represented groups" in our profession. Genuine diversity will not be achieved without the active pursuit and development of leadership within the legal profession, which includes attorneys who are diverse with respect to race, ethnicity, sexual orientation, age, disability, and gender. To that end, on June 5, 2004, at the Spring Summit in San Diego, the State Bar will launch a new initiative, called the "Leadership Forum." The Forum is open to all members of the Bar to help expand their leadership skills so they can assume roles as leaders in our profession and in their community. Additionally, the "Leadership Academy" was established with a grant from the Foundation of the State Bar of California. The Academy is designed to train a select group of attorneys from diverse backgrounds who are committed to dramatically improving their leadership skills and making a difference in our community.

As we all know and believe, the legal profession is a noble profession that is vital in shaping our history. Indeed, the law writes the script for the on-going American drama, with lawyers and jurists serving as the actors connecting society and the law. The legal community possesses the power to humanize or dehumanize our legal system. The choice of our Board of Governors is clear: With diversity comes progress and success. I look forward to seeing you in San Diego at the Leadership Forum on Saturday, June 5, 2004.

Anthony Capozzi, President of The State Bar of California, 2003-2004

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MESSAGE FROM THE CHAIRS

CWIL

SHARON LYBECK HARTMANN
CHAIR



CWIL is looking forward to 2004! We welcomed five new members who give us experience in diverse aspects of our profession. These new members are introduced in the New Members column.

In order to more efficiently manage the increased activity in CWIL, we adopted two new methods to handle the workplan. First, we assigned mentors to each of our new members. Second, we reorganized into four subcommittees, each of which is responsible for major aspects of our work.

The first subcommittee is responsible for developing new programs. Chaired by Vice Chair Pam Wagner, it is currently spreading the word about the Bay Area No Glass Ceiling Initiative and creating CWIL's new program, "So You Want to Teach Law School?" on April 17 in Los Angeles. See this issue's article for more information. Additionally, CWIL and the Committee on Sexual Orientation and Gender Identity Discrimination will be jointly featuring a

MCLE program titled, "The New Faces of Sexual Harassment" on April 29th in San Francisco. We invite you to attend both of these programs and ask you to pass the word.

The second subcommittee, chaired by Pearl Mann, organizes CWIL's successful offering of MCLE elimination of bias programs in non-metropolitan areas. In the past five years, this program has presented eleven programs in eight areas of the state, from Redding to Bakersfield. This year we are already scheduled in Riverside and San Bernardino. We are looking for a co-sponsoring organization in Shasta, Mendocino and Nevada Counties and would welcome any contacts from these areas.

The third subcommittee chaired by Deana Chuang, recruits panels of women lawyers to visit law schools and talk frankly about what the practice of law is like for women today. In the past three years, fifteen different panels have been presented at ten law schools across the state, reaching nearly 1,000 students. In 2004, we plan to visit law schools in Fresno, Los Angeles, the Bay Area, Sacramento, and Davis. We welcome invitations from any interested school.

Finally, we have a subcommittee that deals with everything else! Chaired by Tamara Dahn, it is recruiting CWIL applicants as well as women for other State Bar entities for 2005. It is also researching criteria for awards that are offered annually by various organizations and nominating appropriate candidates; it has completed nominations of several women. It is also doing outreach to Fresno area high schools. We expect a very active and successful year.

The Committee on Legal Professionals with Disabilities (CLPD), one of five Access & Fairness Committees with the charge of increasing access and fairness within the legal profession, is composed of fifteen (15) attorney and public members appointed by the Board of Governors. Committee members include legal professionals with disabilities, advocates, and educators experienced in addressing legal rights of persons with disabilities. CLPD has undertaken a number of projects to encourage the entry and advancement of individuals with disabilities and chronic medical conditions in the legal profession by ensuring full and equal opportunity for individuals with disabilities and chronic medical conditions.

In 2003, CLPD received funding from the State Bar Foundation to conduct an online survey of Bar members to determine the number of attorneys who self-identify as having disabilities, who require accommodations and/or who have had difficulties in obtaining access to the legal system because of their disabilities. The survey was completed in the latter part of 2003. CLPD is preparing a full report based on the findings and will forward it to the Board of Governors with its recommendations. Initial comments highlighted challenges faced in the hiring process, as well as difficulties with access to the courts.

CLPD is collaborating with the Office of Admissions to better inform law students of the petitioning process for accommodations during the bar exam and to address issues which arise for persons with disabilities when they take the Bar examination.

In June of 1996, CLPD initiated the Pledge Program through a Board of Governors Resolution urging law firms big and small to take a pledge to provide employment opportunities to legal professionals with disabilities. More than 100 law firms pledged to open up employment opportunities to legal professionals with disabilities. For 2004, CLPD is working on Phase Two of the Pledge Program: Conducting follow-up with the original signatories to the Pledge regarding their experiences and to enlist additional firms to sign the pledge.

CLPD has initiated a study of the insurance needs of legal professionals with disabilities. It is in the process of establishing a dialogue with the Committee on Group Insurance Programs and CLPD will serve as a



CLPD **ANIL MEHTA**
CHAIR

resource on insurance needs unique to bar members with disabilities or chronic medical conditions.

CLPD has been working with the Judicial Council Access and Fairness Advisory Committee/Disability Subcommittee. The primary objective is to educate the courts and court personnel on access and fairness issues of persons with disabilities when they are dealing with court systems. CLPD is assisting the Judicial Council in revising Rule of Court 989.3, which provides a process for individuals to submit requests to the court for accommodation. The rule covers attorneys, parties, witnesses, jurors and others who wish to attend the court proceeding.

Finally, CLPD is engaged in outreach and education to encourage the entry and advancement of individuals with disabilities and chronic medical conditions in the legal profession. Examples include MCLE Programs at the State Bar Annual Meeting and consumer brochures on employment rights for persons with disabilities.

CLPD has a busy year planned with projects designed to make an impact on the entry into the profession and retention of attorneys with disabilities. We remind everyone that these issues affect not only legal professionals with existing disabilities, but also attorneys who may have acquired disability during their practice, as well as attorneys who may represent clients with disabilities or who have workers with disabilities. As such, our projects potentially affect all practitioners and we welcome your input and involvement.



EMRC

BLANCA QUINTERO
CHAIR

The Ethnic Minority Relations Committee (EMRC) has started the ball rolling on many new and exciting programs for 2004. To begin the year, EMRC has accelerated its outreach efforts with high schools and colleges to expose students

to the legal profession and encourage them to pursue higher education, including law school. We need more minority students in the "pipeline" in order to diversify the profession. Additionally, in order to ensure that those minority students who have decided to pursue a law degree graduate from law schools, EMRC members have met with minority law student groups. We are confident that our law school outreach efforts will help these future lawyers with their transition into the profession for a more productive and rewarding career as an attorney.

EMRC has also introduced itself to many newly admitted attorneys by participating in various swearing-in ceremonies throughout

California. Seeing the energetic and enthusiastic faces of the newly admitted attorneys motivates us further to provide ethnic minority attorneys the support and resources necessary for their full and active participation in the State Bar. Our members have also reached out to the many minority bar associations within the state and on the national level.

This year, EMRC is exploring ways to develop a job fair for minority law students. The job fair would introduce minority law students to potential employment opportunities, as well as, provide a series of educational panels devoted to topics in diversity, success skills in law school, developing an employment search, and insights into career satisfaction. EMRC will also continue to present MCLE programs on elimination of bias and relevant topics that impact attorneys of color.

There is no doubt that with EMRC's ambitious goals and plans for this year, EMRC will continue its history of effectively encouraging the recruitment, entry, and advancement of ethnic minorities in the legal profession. We look forward to a very exciting, productive, and personally rewarding year as we strive to lead the effort to recruit, retain, and promote the advancement of ethnic minorities in the legal profession. We welcome you all to join us in our efforts throughout the year, and beyond!

CSL

The Committee on Senior Lawyers is proud to participate in and support the State Bar of California's distribution of information on important areas of California law that directly affects seniors, both attorneys and citizens. Recently, after the State Bar published "Seniors and the Law: A Guide for Maturing Californians", different committee members and State Bar officers met with senior citizens, their families and advocates at a variety of venues to distribute the handout and discuss such topics as healthcare rights, elder abuse, and consumer fraud. Committee members will continue to speak at such worthwhile events as requested.

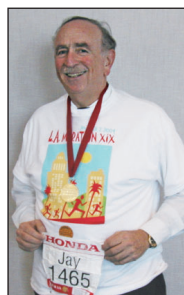
Some of the upcoming projects include presentations at the State Bar's Annual Meeting in Monterey, October, 2004, such as "Closing or Selling a Law Practice", "Tactics for Experienced Attorneys Seeking Employment", "Collaborations in Elder Law" and "Medi-Cal Planning Techniques", co-sponsored with the Trust & Estates Section. We know that these programs will be well attended and well received. These workshops demonstrate how the expertise of the members of the Committee on Senior Lawyers can be shared with the general membership. Future topics may include a discussion on "of counsel" arrangements between attorneys and law firms and further development of procedures and resources needed for closing or selling a law practice.

We are developing, through the Office of Bar Relations Outreach, communications with local bar associations to inform them of our activities, including our "reverse mentoring" program, where law students train older attorneys on the use of the internet and other computer functions, and resources on closing or selling a law practice. Look for future articles in the California Bar Journal on topics affecting senior lawyers. We also continue to encourage lawyers who are either no longer practicing law or contemplating retirement to apply for enrollment in the State Bar's Emeritus Attorney Pro Bono

VIRGINIA S. MUELLER
CHAIR



Program. This program provides for the waiver of active membership fees if the attorney agrees to volunteer at a qualified legal services program. Emeritus Attorneys receive training and support. You may contact Betty Barker at 415-538-2328 or email her at betty.barker@calbar.ca.gov for more information.



We are also very proud of the athletic accomplishments of our former chair, Jay Foonberg, who, at age 68, recently completed the Half-Marathon in London, on February 29, 2004, then, one week later, completed the LA Marathon in 87-degree weather! Congratulations Jay!

The next appointments cycle begins in December. Our goal is to increase the diversity of membership in our committee. If you are interested in joining the Committee on Senior Lawyers, please contact the committee liaison, Rodney Low, at 415-538-2219 or email him at <rodney.low@calbar.ca.gov> for more information.

MESSAGE FROM THE CHAIRS

After the State Bar's 2003 Annual Meeting in September, when many members of the committees of the State Bar ended their terms, the committees welcomed their newly appointed members at an orientation meeting in October. As Chair of the Committee on Sexual Orientation and Gender Identity Discrimination (CSOGID), I was generally pleased with the diversity we found among our committee's new members. Of course, this diversity was obtained only through the concerted effort on the part of our committee and the other Access & Fairness Committees to encourage greater diversity among the committee applicant pool. Recognizing the importance of outreach and recruitment, CSOGID has developed an extensive outreach and recruitment strategy to reach out to the Lesbian, Gay, Bisexual and Transgendered (LGBT) legal community.

Unfortunately, it seems that the diversity enjoyed by the Access & Fairness committees is not as well reflected among the many other State Bar committees. For example, we know from the State Bar committee members who have voluntarily provided us with diversity information that the various committee members are overwhelmingly white, straight and male. Indeed, men make up nearly two-thirds of all State Bar committee members and three-quarters of those voluntarily identifying their ethnicity, identify themselves as white. Fortunately, we find that members who identify as female and non-white are found among many of the committees, in addition to the Access & Fairness committees, albeit in far fewer numbers than we would like to see. I wish we could say the same for the lesbian, gay, bisexual and transgender members.

The fact is nearly all self-identified lesbian, gay, bisexual and transgender members of the State Bar committees are members of CSOGID. Naturally, many such members are simply drawn to our committee because of the commonality of interests. However, I fear that this does not tell the whole story. In fact, I suspect that LGBT individuals either feel that they need not apply to other committees (or at least not apply as an openly LGBT person) because they would be unwelcome and/or that such an unwelcoming attitude may actually exist among many of the State Bar committees. Such suspicions are not without some support. Since I first joined CSOGID more than four years ago, I have spoken to many potential applicants who felt they should not apply to a State Bar committee for fear of being rejected purely because they are lesbian, gay, bisexual or transgendered, as well as numerous applicants who did apply

CSOGID

JEFFREY W. ERDMAN
CHAIR



to a committee but found themselves the subject of obviously biased consideration by the committees to which they have applied. Perhaps those who identify as female and/or ethnic minorities have had similar concerns or experiences.

Simply put, diversity recruitment by the State Bar committees must be improved. Not only must we actively work to create an environment which attracts applicants from all walks of life, but we must evaluate their interest in the committees and their potential contributions. We must consider the importance of bringing a diversity of perspective to the work of the committees, to give them greater insight into the constituencies that the committees serve and allow them to bring together fresh ideas that foster creativity and energy among committees, rather than relying on the stale or routine.

To achieve that goal, CSOGID has joined with other Access & Fairness Committees to coordinate with other Sections and Committees on expanding the recruitment efforts. As we head into the next round of recruitment and appointments, I encourage all interested State Bar members – regardless of gender identity, age, race, ethnic affiliation, disability status or sexual orientation – to apply for any and all of the State Bar's many committees and sections. And I implore the leadership of these committees and sections to consider not only the educational and professional strengths of the applicants, but also the life experiences and perspectives the applicants bring to the table when evaluating candidates.

We must all remember that, what makes us qualified for service in the State Bar – just as what makes us qualified to be attorneys – is not purely objective criteria. It is who we are as whole, complex individuals that enriches the legal representation of the public.

CSOGID 2004 WORKPLAN HIGHLIGHTS

In addition to the recruitment and outreach efforts described in the Chair's Column, CSOGID is also engaged in the following projects:

- Legal Careers – CSOGID is recruiting attorneys to make presentations at various high schools to encourage students from disadvantaged communities to consider the law as a career.
- Best Practices – This project focuses on compiling the model employment policies and procedures that are sensitive to LGBT legal professionals. The materials will include law firms and companies that exemplify the positive practices and will be used as a resource for other law firms and organizations to implement those policies.
- MCLE Programs – Annual meeting programs will focus on AB 205, the new Domestic Partners legislation and transgender legal rights.
- Public Education – CSOGID will be updating its Domestic Partner brochure and will be producing additional brochures on transgender legal rights and Best Practices.

Significant Progress for Women Attorneys under the "No Glass Ceiling" Initiative



BY PAM WAGNER, VICE CHAIR, CWIL
Pam Wagner is the Vice Chair of CWIL and a partner at Luce Forward Hamilton & Scripps in San Diego.

What a difference a year can make. Within its first year, the Bar Association of San Francisco's "No Glass Ceiling Initiative" has produced promising results. Since signing on to the No Glass Ceiling Initiative last year, 28 law firms responding to a progress survey say they have seen an average increase of 18% in women partners and an increase of 26% in women in management.

Results of the survey, which was conducted by the BASF's No Glass Ceiling Task Force and Monitoring Committee, were released in November 2003. Almost 50% of the more than 60 law firms and legal departments that signed on to the No Glass Ceiling Initiative responded to the survey.

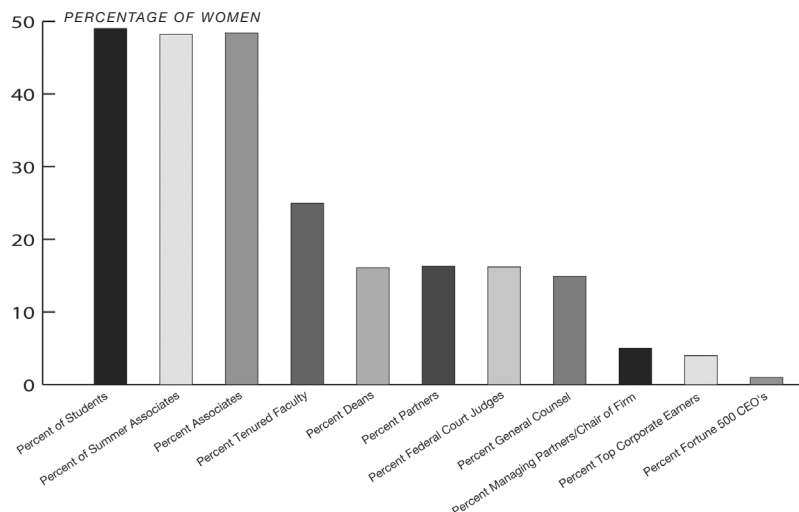
Women make up 49% of the country's law students, but represent about 29% of the country's lawyers, and only 16% of partners nationwide. In 2002, the committee recruited sixty major law firms and legal departments (including more than half of California's largest 20 law firms) to agree to the

Initiative, which calls for 25% of women in management and partner ranks by end of 2004. In 2003, Angela Bradstreet as President of the Bar Association of San Francisco, empanelled a blue ribbon committee co-chaired by Pillsbury Winthrop Managing Partner Mary Cranston to monitor the "No Glass Ceiling Initiative" and conduct the survey.

Although the majority of the 28 firms responding are still below the 25 percent goal (with percentages of female partners ranging from 14 to 40 percent), the survey results are promising. "We have a long way to go, but the results are very encouraging," said Bradstreet, who is now actively promoting the initiative in other parts of California and internationally. Similar efforts to eliminate glass ceiling barriers are under consideration in Sacramento, San Diego, and Santa Barbara.

For a list of the signatories, visit <http://www.sfbar.org/about/noglassceiling/signatories.html>

WOMEN IN THE LEGAL PROFESSION/GLASS CEILING FACTS



ABA Commission on the Status of Women in the Profession "A Current Glance of Women in the Law" 2003 and Deborah Rhode, "The Difference 'Difference' Makes" at 4. citing Catalyst, Catalyst Facts (2002)

NO GLASS CEILING COMMITMENTS

- 25% women in experienced attorney levels
- Objective and unbiased criteria and procedures for evaluation and promotion
- One female chairperson or managing partner by 2005
- One female in senior management in corporations or public agencies by 2005
- Approximately equal retention rates for men and women
- Obtain feedback from employees on gender issues
- Provide information to National Association of Law Placement on number of women
- Offer networking opportunities and mentoring programs for women
- Provide opportunities to women for challenging projects and management training
- Embrace the concept of part-time partners and flexible work schedules

Diversity Awards Reception Held at 2003 Annual Meeting in Anaheim



L- R: JIM HERMAN, ANGELA BRADSTREET, HON. FERNANDO OLGUIN, JEFFREY BLEICH

The State Bar of California presented the 2003 Diversity Awards for an individual attorney and bar association on September 6, 2003, during the Diversity Awards Reception at the State Bar Annual Meeting in Anaheim. The individual attorney award was given to Angela Bradstreet, past president of the Bar Association of San Francisco, for her numerous achievements in advocating for a more diverse bar through the "No Glass Ceiling Initiative" and other projects advancing the interests of other under-represented facets of the population, including minority lesbian, gay, bisexual and transgender attorneys.

The Bar Associations of Alameda, Contra Costa, San Francisco and Santa Clara Counties were awarded the Diversity Award for Bar Association(s) for their co-sponsorship of a thirteen-year old project known as the Bay Area Minority Summer Clerkship Program (BAMSCP). This continuing project provides increased opportunities for minority law students to identify law firm clerkship positions with participating law firms and governmental agencies, obtain mentoring in law firm culture, and receive support from fellow clerks. As a result of this connection, the sponsoring firms hired many of the 200 plus law students who completed the BAMSCP.



L- R: JEFFREY BLEICH, MARTHA WHETSTONE, JIM HERMAN



L- R: JAMES MCWILLIAMS, HON. FERNANDO OLGUIN, PATRICIA WHITE, CHRIS BURDICK, JIM HERMAN, JIM TOWERY

Accepting the awards on behalf of their bar associations were Spencer Strellis, President of Alameda County Bar Association, Robin Pearson, Chair, Contra Costa County Bar Association's (CCCBA) Diversity Task Force, Tammy Gallerani, President, CCCBA, Jeffrey Bleich, President, Bar Association of San Francisco, and Patricia White, President, Santa Clara County Bar Association.



L- R: SPENCER STRELLIS, JAMES MCWILLIAMS, ANN WASSAM, JIM HERMAN

evening with remarks that emphasized the court's support for diversity in the legal profession, in order for the law to maintain credibility



L- R: HON. FERNANDO OLGUIN, TAMMY GALLERANI, ROBIN PEARSON, JIM HERMAN



CHIEF JUSTICE RONALD GEORGE

with the society at large. State Bar President, James Herman of Reicker, Clough, Pfau, Pyle, McRoy & Herman, presenting the awards, concurred and expressed his opinion that the struggle to diversify the profession is a continuous one.

Magistrate Judge Fernando Olguin of the United States District Court, Los Angeles, gave the keynote speech and related a very personal and apt anecdote: his first assignment after appointment as a magistrate judge was to administer the oath of allegiance to one thousand recently naturalized citizens. This was particularly meaningful to him because his parents went through a similar ceremony and he saw, reflected in the eyes of those new citizens, the pride and excitement that his parents must have felt when they were accepted into this country with the full rights of citizenship. As the authorizing official, he felt the completeness of his parent's journey.



HON. FERNANDO OLGUIN

The State Bar of California 2004 Spring Summit – Leadership Forum

Creating Leaders for the 21st Century

On Saturday, June 5, 2004, the State Bar will present the Spring Summit (formerly the Midyear Meeting) with Leadership as the theme. With an ever-changing population, the need for direct training of leaders has become an imperative to strategic planning, meaningful interaction, and successful performance. The State Bar is continuing its tradition of relevant training by offering this one-day conference at Paradise Point Resort and Spa in San Diego.

The Planning Committee, led by Board of Governor's member Demetrius Shelton, has confirmed speakers, including Angela Blackwell, Stewart Kwoh, and Manuel Pastor, co-authors of "Searching for the Uncommon Common Ground". Also speaking will be Robert Grey, Jr., President-Elect of the American Bar Association, Cruz Reynoso, former Associate Justice of the California Supreme Court, Carol Lam, U.S. Attorney, San Diego, Bonnie Dumanis, District Attorney, San Diego, Carl Poirot, San Diego Volunteer Lawyer Program, and many others. The panels will explore the different paths available to become leaders, what leadership means in the 21st century, and potential leadership careers, such as the bench, the legislature, private practice, academia and public interest positions.



ROBERT GREY



ANGELA BLACKWELL

Access & Fairness Leadership Academy Names Twelve Scholars

In addition to the Forum, the Spring Summit will inaugurate the Access & Fairness Leadership Academy (AFLA), which has selected twelve attorneys to participate in the first ever leadership training program co-sponsored by the State Bar and the Foundation of the State Bar of California. These attorneys, who are committed to serving under-represented communities, will work closely with the members of the bench and bar who comprise the Advisory Committee. The training will take place at four workshops over a one-year period. Three of the four workshops will coincide with major State Bar events, beginning in June with the Leadership Forum.

The Scholars are:

Ashleigh E. Aitken, Nossaman, Guther, Knox & Elliott, Irvine
Eric M. Brooks, Morrison & Foerster, San Francisco
Renee C. T. Carter, California Department of Motor Vehicles, Sacramento
Joannie C.Y. Chang, Asian Law Caucus, San Francisco
York J. Chang, Neighborhood Legal Services of LA County, Los Angeles
Angela T. Houlemard, Wendel, Rosen, Black & Dean, Oakland
Kristen M. Jackson, Public Interest Fellow, Public Counsel, Los Angeles
Cynthia J. Juno, Juno Law Offices, Los Angeles
Heidi M. Li, Law Foundation of Silicon Valley, San Jose
Carter M. Stewart, United State Department of Justice, San Jose
K. Luan Tran, Lee & Tran, Los Angeles
Joel R. Villasenor, Sullivan, Sottile & Taketa, Westlake Village

THE STATE BAR OF CALIFORNIA 2004 ANNUAL MEETING IN MONTEREY OCTOBER 7-10, 2004

MCLE PROGRAMS, throughout the Annual Meeting

Presented by the Access & Fairness Committees on issues of gender, race, sexual orientation, disabilities, age, and elimination of bias.

Topics include:

A.B. 205 Domestic Partners
Rights & Responsibility Act
Elder Law
Employment & Disabilities

Diversity Panel, Saturday afternoon

Plan to join us for a lively and informative discussion on the importance of diversity in the profession.

Diversity Awards Reception, Saturday evening

The State Bar of California **Diversity Awards** were established in 2001 by the Board of Governors to recognize outstanding efforts made by a bar association and an individual attorney in promoting diversity in the legal profession, in particular, to recognize efforts ensuring the full and equal opportunity of all persons for entry and advancement in California's legal profession.

Pipeline into the Profession: Plugging the Leaks



RECRUITMENT - LAW SCHOOL ADMISSIONS - RETENTION - GRADUATION - BAR ADMISSIONS - EMPLOYMENT - PARTICIPATION - CAREER SATISFACTION

The State Bar's Access & Fairness Committees are charged with diversifying the legal profession. In order to accomplish this task, our committees must work toward getting more people into the pipeline and plugging the leaks that cause candidates and attorneys to leave. This section will describe programs and projects undertaken by our committees so that bar associations and committees similarly charged with diversity initiatives can use these programs and projects as a starting point.

This Issue Features: Committee on Women in the Law

"SO YOU WANT TO TEACH LAW?"

BY SHARON LYBECK HARTMANN

"So You Want to Teach Law?" is a brand new program that the Committee on Women in the Law (CWIL) will pilot on Saturday, April 17, 2004 at Loyola Law School in Los Angeles. Although many lawyers and law students are interested in teaching law, law school faculties are not always as diverse as might be expected, given the number of women and minorities in the profession. This program is designed to de-mystify the process, share a realistic view of the demands and benefits of various faculty positions, and provide nuts-and-bolts instruction for those interested in pursuing this career path.

The one-day program is organized into three panels. The first panel, "What to Expect Teaching at a Law School," will cover the duties of various positions like tenure track professors, administrators, adjunct and clinical professors and legal writing instructors. It will cover hours, research and writing expectations, salary ranges and tenure opportunities.

The second panel is "Elimination of Bias/Increasing Diversity" and will cover diversity statistics for law school faculty, proposals for improvement, recent trends in the law school community, networking opportunities and coverage of recent incidents that have attracted attention in this area. One hour of elimination of bias

credit has been approved for this portion of the program. The third panel, "How to Get There," will focus on résumé building activities, the national annual hiring conference for tenured positions, alternative paths to tenure track positions, hiring procedures for other law school positions, the value of an LLM, insight from those who have served on hiring committees, and comments from those recently hired.

The program is co-sponsored by California Women Lawyers, Women Lawyers Association of Los Angeles (WLALA), and the State Bar Access & Fairness Committees - Committee on Legal Professionals with Disabilities, Committee on Senior Lawyers, Committee on Sexual Orientation and Gender Identity Discrimination, and Ethnic Minority Relations Committee.

"So You Want to Teach Law?" will be offered in the Bay Area later this year and other areas of the state, if initial reception is positive.

CWIL invites all who are interested to attend its Los Angeles initial offering. The cost is \$50 for the entire program that will run from 10 a.m. to 3 p.m. with discounts offered to members of co-sponsoring organizations as well as law students and professors. The fee includes a box lunch. For program information, contact Kate O'Connor, CWIL staff liaison, at (415) 538-2141 or kate.oconnor@calbar.ca.gov.

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The State Bar Welcomes New Committee Members to the Access & Fairness Committees

COMMITTEE ON SEXUAL ORIENTATION AND GENDER IDENTITY DISCRIMINATION

JOSE ALARCON is a staff attorney at Bet Tzedek Legal Services. Before joining Bet Tzedek, he was a staff attorney at the HIV & AIDS Legal Services Alliance, where he managed the Legal Checkup Project focusing on legal education and prevention for people living with HIV/AIDS in Los Angeles County.

MIKAYLA CONNELL is a former associate at Brobeck, Phleger & Harrison and Morgan, Lewis and Bockius, focusing on general commercial litigation at the Federal and State level. She is serving on the Board of Directors of the Transgender Law Center in San Francisco.

KRISTA GLASER is a third-year law student at Hastings College of the Law.

ANDREW VU is an attorney for Sony Computer Entertainment America Inc. in Foster City. He has been active with numerous minority and LGBT bar associations and civic groups in Silicon Valley.



L- R: KRISTA GLASER, ANDREW VU, AND JOSE ALARCON (Not pictured, Mikayla Connell)

The recruiting cycle typically begins in November of each year with a February 1 deadline for application. The State Bar Board of Governors approves the appointments in July and new member terms begin at the end of the State Bar Annual Meeting, which is scheduled this year for October 7-10. See the State Bar's homepage for appointment information: http://calbar.ca.gov/state/calbar/calbar_home.jsp or contact Betty Barker at 415-538-2328; email: <betty.barker@calbar.ca.gov>.

ETHNIC MINORITY RELATIONS COMMITTEE



L-R: CHARLES TAYLOR, JANE KOW, DIANE ABRAHAM, VIRNA SANTOS, VICTOR HWANG

DIANE ABRAHAM is an attorney for Brayton-Purcell in Sonoma and teaches a diversity and the law class at U.C. Berkeley's Boalt Hall. Diane has been active on various committees and commissions with the American Bar Association,

VICTOR HWANG is the managing attorney for Asian Pacific Islander Legal Outreach in San Francisco. He also teaches at Golden Gate and Santa Clara University Schools of Law. Victor is the incoming president of the Asian American Bar Association of the Greater Bay Area.

JANE KOW is a legal consultant on employment and disabilities issues. She has experience working in corporate offices and large firms. Jane is a native New Yorker and serves as EMRC's liaison to the Judicial Council's Access and Fairness Advisory Committee.

VIRNA SANTOS is an attorney for the United States Department of Justice in Fresno and is chairing EMRC's High School Outreach project.

CHARLES TAYLOR is Tax Counsel for John Chiang of the Board of Equalization in Los Angeles. Charles is also a first lieutenant with the U.S. Army Reserves Judge Advocate General Corps (JAG).

On August 23, 2001, the Board of Governors of the State Bar of California participated in a comprehensive strategic planning and organizational governance session to address the State Bar's future. From that meeting emerged a plan designed to take into account environmental and membership changes, including a Vision, Long-Range Issues, and Goals and Strategies for the State Bar. It is important to note that the first Goal and Strategy recognizes the significance and value of diversity in the profession and is directly relevant to the work of the five Access & Fairness Committees and the Center for Access and Fairness.

STATE BAR OF CALIFORNIA BOARD OF GOVERNORS LONG-RANGE STRATEGIC PLAN LONG RANGE ISSUE 1. ATTORNEY ADMISSION, REGULATION, AND DISCIPLINE

GOAL 1. THE PUBLIC IS PROTECTED AND SERVED BY ATTORNEYS AND OTHER LEGAL SERVICE PROVIDERS THAT MEET THE HIGHEST STANDARDS OF COMPETENCY AND ETHICS

STRATEGY 1.1 DIVERSITY OF BAR MEMBERSHIP

Encourage individuals of diverse populations to seek and qualify for admission to the practice of law in California, and, once admitted, to remain in active practice.

OBJECTIVES

Increased diversity among Bar Membership

- Ethnic
- Women
- Disabled
- Senior
- Lesbian, Bisexual, Gay, Transgender

DESIRED OUTCOMES

- Attorney population more accurately reflects State population
- Increased numbers of diverse applicants, admittees and active members

The State Bar Welcomes New Committee Members to the Access & Fairness Committees

COMMITTEE ON LEGAL PROFESSIONALS WITH DISABILITIES

DAWN CAPP is currently working in a small law firm in Sacramento. She has written a book scheduled to be released in July 2004 entitled, "Underdogs -- Dogs Under Fire." The book focuses on breeding dogs and discusses all kinds of discrimination, from negative media portrayals to breed-specific laws.

DAVID LEHR is a Senior Deputy District Attorney in Ventura County. He has Cerebral Palsy and Diabetes. Dave has been married for seven years and is the father of four gorgeous daughters.

ARTHUR J. LETTENMAIER, a senior associate at the Los Angeles firm of Brown, Winfield & Canzoneri, Inc., is an experienced litigator with emphasis in representing property owners and developers regarding real estate development, construction, and Americans with Disabilities Act (ADA) compliance and claims. He has served for more than five years on the City of Thousand Oaks Disabled Access Appeals and Advisory Board, where he presently serves as vice chair.

PETER MEYERHOFF is a solo practitioner in the areas of family law and personal injury. He is the immediate past chair of the Alameda County Attorneys Confidential Committee (ACAC) and currently performs volunteer work with CLPD, "The Other Bar", and other local organizations.

SHERRY SAFFER has 19 years of prior practice in the areas of business litigation, internet and other intellectual property. She has served on the Judicial Nominees Evaluation Commission, on the CYLA Board of Directors, and has served on the Executive Committee and Chair-Elect of the State Bar General Practice Section.

ANITA C. WILLIS recently moved from Los Angeles to Oceanside to serve in the Office of the City Attorney. She was recently named the City Attorney of Oceanside.

COMMITTEE ON WOMEN IN THE LAW

CYNTHIA JUNO, former president of The Lesbian & Gay Lawyers Association of Los Angeles, is in private practice, specializing in representing small- to medium-sized businesses on a variety of matters; a substantial portion of her current practice is devoted to domestic partnership issues.

CYNTHIA LOO is a commissioner with the Los Angeles Superior Court. She currently sits in the South Central Courthouse in Compton and has a juvenile criminal calendar. She is an adjunct professor at the University of West Los Angeles where she teaches a course on "Children in the Legal System."

MICHELLE OSBORNE has a variety of legal experience and a long history of activity in organizations dealing with women's issues, such as heading a rape crisis center in Silicon Valley, chairing the board of a domestic violence agency in San Francisco, and serving on the Santa Clara County Commission on the Status of Women.

STEPHANIE M. WILDMAN is a Professor of Law and Director of the Center for Social Justice and Public Service at Santa Clara University. She teaches and publishes in the areas of social justice, gender, and race and the law.



SEATED L-R: J.P. REMS, ALVIN LEE BLOCK, TONY RUFFOLO. STANDING: PHIL LANZAFAME, MARVIN LEON

COMMITTEE ON SENIOR LAWYERS

ALVIN LEE BLOCK earned his Doctor of Jurisprudence while actively practicing medicine in internal medicine and hematology. He authored the textbook "Medical Malpractice" and chapters on internal medicine in "Medical Malpractice Update."

PHIL LANZAFAME began his law career as a law clerk and staff attorney with the Dept. of Transportation for the State of California. Phil has participated in State Bar governance, with the Condemnation Committee in 1978-81, 1983-86, and 1989-92, as well as the Condemnation subsection of the Real Property Section in 1993-95.

MARVIN LEON has previously served as the Vice Chair of The State Bar of California's Real Property Section, as well as chair of the LACBA Real Property Section. He has lectured extensively on real estate, business and tax matters for CEB, the American Law Institute, and Practising Law Institute, among others.

J.P. REMS retired from the practice of law in 1993 and performs pro bono services as an Emeritus Attorney through the State Bar of California with the Legal Aid Foundation of Los Angeles. As a volunteer, he coordinates volunteer attorneys who contribute their time to the legal aid's on-going clinics, client intake, Domestic Violence Center and outside pro bono representation.

ANTHONY RUFFOLO has had extensive trial experience, starting with the Judge Advocate General's Office and continuing through the California Department of Transportation, litigating cases involving torts, eminent domain, inverse condemnation, contracts, indemnity, and real estate.



L-R: CYNTHIA LOO, EBELE OKOBI-HARRIS (RESIGNED), MICHELLE OSBORNE, AND CYNTHIA JUNO
(not pictured, Stephanie Wildman)



BY KRISTA GLASER
COMMITTEE ON SEXUAL ORIENTATION AND GENDER IDENTITY DISCRIMINATION

Alert: Military Recruiting at Law Schools Challenges Non-Discrimination Policies

American law schools have become the new battlefield for military recruitment. A relatively unnoticed battle is being waged, and so far, the Defense Department is winning. The problem is that law school policies of non-discrimination conflict with federal law.

In 1990, the American Association of Law Schools (AALS) promulgated a non-discrimination policy that states that employers who recruit law students must not discriminate based on sexual orientation. This policy is at odds with the military's "don't ask, don't tell" policy. As a result, law students who openly self-identify as lesbian, gay, bisexual or transgender (LGBT) must refrain from "outing" themselves during interviews.

After adopting the "don't ask, don't tell" policy, Congress passed the Solomon Amendment in 1994, which allows the government to withhold federal funding from schools that prohibit military recruiting on campus. The government did not enforce the Amendment for several years, so law schools refused to allow the military recruiters on campus without fear of losing federal funds.

All that has now changed. Recently, the Defense Department issued letters requiring law schools to permit military recruitment on campus. The military argues that it deserves the opportunity to recruit the best possible future attorneys. In response, law schools, facing the loss of millions of dollars in federal funds, have allowed the military on campus.

At the same time, law school administrators, faculty, and students have expressed their opposition in different ways. Some law students, led by LGBT campus organizations with the support of some faculty members, have protested through campus awareness activities. A few years ago, law students at one Bay Area law school signed up for interviews with the military only to walk in with their mouths taped and a sign protesting the military's current policy. Some career service offices and administrators have posted letters during interviews stating their school's non-discrimination policy and explaining how their policy conflicts with "don't ask, don't tell."

In 2003, some law schools joined with FAIR, the Forum for Academic and Institutional Rights, to file suit against the Defense Department, challenging the Department's interpretations of the Amendment as violating the schools' right to free speech and association. Other law schools have joined FAIR anonymously, out of fear that their association with this organization would risk the loss of federal funds.

In the Federal District Court of New Jersey, a judge has refused to issue FAIR's request for a preliminary injunction. FAIR is currently appealing this decision. For more information about FAIR and the Solomon Amendment, visit www.solomonresponse.org and www.saltlaw.org/solomon/#.

FIRSTS!

We are recognizing some historical "firsts" involving individuals and organizations in recognition of the diversity in California. We invite you to share the "firsts" that are happening in your community.

SUZANNE RAMOS BOLANOS – first Latina to sit on the San Francisco Superior Court. Prior to joining the bench, Judge Bolanos was an attorney for the United States Department of Justice in San Francisco.

CHRISTOPHER EDLEY – first person of color to be appointed as dean of the University of California, Berkeley (Boalt Hall) School of Law effective in July 2004. Dean Edley currently teaches at Harvard Law School.

KAMALA HARRIS – first South Asian and African American women elected as San Francisco District Attorney.

TERI L. JACKSON – first African American woman to sit on the San Francisco Superior Court. Judge Jackson practiced with Orrick, Herrington and the San Francisco District Attorney's Office before being appointed to the court.



FREDERIC WHITE – first person of color to serve as dean of Golden Gate University School of Law. Dean White most recently served as Associate Dean at Cleveland-Marshall College of Law.

NATIONAL SOUTH ASIAN BAR ASSOCIATION – first national conference in Santa Monica on June 18 - 20, 2004. Over 200 South Asian attorneys and judges from across the nation are expected to attend this three-day event.

April 16, 2004 - Deadline to submit nominations for Presidents Pro Bono Service Awards, Loren Miller, Jack Berman and Diversity Awards

April 17, 2004 10:00 a.m.-3:00 P.M. - Committee on Women in the Law Program "So You Want to Teach Law?" at Loyola Law School. Contact 415-538-2508 to register by April 9, 2009. See inside article for details.

April 29, 2004 4:00-6:00 P.M. - "The New Faces of Sexual Harassment" an MCLE Program sponsored by CWIL & CSOGID at the Bar Association of San Francisco. Contact 415-982-1600 to register.

April 29-May 2, 2004 - California Association of Black Lawyers (CABL) 27th Annual Statewide Convention, Oakland Marriott Hotel

May 1, 2004 - Law Day

May 14, 2004, 5:30-7:30 p.m. - California Women Lawyers' 4th Annual Northern California Judicial Reception, Bingham McCutchen, LLP, Three Embarcadero Center, San Francisco

May 17, 2004 - 50th Anniversary of the Brown vs. Board of Education decision

June 5, 2004 - The State Bar of California Spring Summit in San Diego, Leadership Forum, "Creating Leaders for the 21st Century"

June 17-18, 2004 - American Bar Association's Commission on Racial and Ethnic Diversity in the Profession's National Conference for the Minority Lawyer, Hotel Nikko, San Francisco.

NEWS AND EVENTS

June 18-20, 2004 - National South Asian Bar Association National Conference - Loews Beach Hotel, Santa Monica

July 10, 2004 - National Asian Pacific American Bar Association's Western Regional Conference - Golden Gate University School of Law, San Francisco

August 5-10, 2004 - American Bar Association Annual Meeting, Atlanta, Georgia

August 7-14, 2004 - National Bar Association Annual Meeting, Charlotte, North Carolina

October 6-10, 2004 - Hispanic National Bar Association Annual Meeting, New York, NY

October 7-10, 2004 - The State Bar of California 2004 Annual Meeting in Monterey

November 11-14, 2004 - National Asian Pacific American Bar Association Annual Convention, Charlotte, NC

COMMITTEE INFORMATION ONLINE

To access the Access & Fairness Committee information on the State Bar website, go to www.calbar.ca.gov. Click on "Attorney Resources," then "Committees and Commissions" and finally on "Standing Committees" for a list of committees. Select the committee of your choice. For assistance, contact the Office of Legal Services, Access & Fairness Programs at programdevelopment@calbar.ca.gov or (415) 538-2328.



Office of Legal Services,
Access & Fairness Programs

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